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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,434	11/03/2003	Chien-Kuo Chang	14019 B	5597
36672	7590	01/13/2006	EXAMINER	
CHARLES E. BAXLEY, ESQ. 90 JOHN STREET THIRD FLOOR NEW YORK, NY 10038			NOVOSAD, JENNIFER ELEANORE	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/700,434	CHANG, CHIEN-KUO
	<b>Examiner</b>	<b>Art Unit</b>
	Jennifer E. Novosad	3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 November 2003 and 07 November 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 and 8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restriction***

Applicant's election without traverse of Species (a), i.e., Figures 1-5, in the reply filed on November 7, 2005 is acknowledged.

*Thus, claim 7 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic claim.*

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 5, 6, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice and are replete with grammatical and idiomatic errors.

The recitation "several holders", i.e., plurality, in line 2 of claim 1 appears to contradict line 1 of the claim which sets forth "a holder", singular, and thus it is unclear just how many holders are being claimed. *Further*, "said holder" in lines 2 and 5 of claim 1 therefore lacks proper antecedent basis for this limitation in the claim. At the very least, it appears that a word such as --assembly-- or device-- could be inserted after "holder" in line 1 of claim 1 (and thus

any subsequent references to the "holder" of line 1 would also have to be changed). These rejections are also applicable to claim 5.

Applicant's use of the phrases "of storage rack" and "on the storage rack" in lines 1 and 2, respectively of claim 1, makes it unclear whether the rack is being *positively* required in the claim and thus the claim is rendered indefinite. This rejection is also applicable to claim 5.

The use of the term "stretches" in line 3 of claims 1 and 5 is awkward thereby rendering the claims indefinite since it is unclear what is meant by this phrase.

Claims 1 and 5 recite the limitation "the front center" in line 4. There is insufficient antecedent basis for this limitation in the claims.

It appears that applicant's use of the term "vertical", as in "vertical supporting board" (for example, see line 4 of claim 1), is misdescriptive and/or inaccurate. *In particular*, the supporting board is disposed "horizontally" and it supports a shelf member in a "horizontal" position, so it unclear how or why is it a vertical" board. It is noted that the holder can be adjusted vertically within the rack but the supporting board would still be horizontal. These rejections are also applicable to claim 5.

The structural relationship of the elements in claims 2 and 6 renders the claims indefinite since it is unclear what is meant by "wrapping".

The language of claim 3 renders the claim indefinite. *In particular*, note the recitations "a stopper locates" and "and passes" which are grammatically incorrect. Also, "the bottom" in line 4 lacks proper antecedent basis in the claim.

Claims 4 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting

to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: between all elements recited therein. *Also*, "the hanging location" (line 2) and the "surface" (line 5) lack proper antecedent basis in the claim. *Finally*, use of the terms "locates" and "sticks" are awkward.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

*Insomuch as the claims are best understood (in view of the Section 112, 2<sup>nd</sup> paragraph rejections, advanced above), claims 1-3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,376,521 (Walters '521).*

Walters '521 discloses a plurality of holders (see Figure 1) whereby each holder *consists of* (see Figure 5) a flank board (56), a hook joint (46) stretching from the top center of the board (56) and is bent backwards, i.e., towards the left in Figure 5), and a vertical supporting board (52) on the front (i.e., right rear in Figure 5) center of the holder (45) with a sucking disk (34) fixed (see Figure 6) on the supporting board (52); the flank board (56) being in wrapping semicircular shape on each side (between 58 and 52 in Figure 6); and the supporting board (52) has a hole (54) therein which receives a stopper (38) of the disk (34).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

*Insomuch as the claims are best understood (in view of the Section 112, 2<sup>nd</sup> paragraph rejections, advanced above), claims 1-4, 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,189,847 (Hart '847) in view of U.S. Patent No. 5,678,793 (Hill '793).*

Hart '847 discloses a plurality of holders whereby each holder *consists of* (see Figures 1 and 3) a flank board (56), a hook joint (54a and 54b) stretching from the top center of the board (56) and is bent backwards, i.e., towards the right in Figure 3), and a vertical supporting board (52) on the front (i.e., left side in Figure 3) center of the holder with an element fixed on the supporting board (52); the flank board (56) being in wrapping semicircular shape on each side; the supporting board (52) has a hole (not shown) therein which receives the element; the holders are hanged on a rack (at 42 in Figure 1) whereby the rack has frame stems (44) with a horizontal rod link (40) therebetween whereby the hook joint hangs on the rod link (40).

The claims differ from Hart '847 in requiring a sucking disk having a stopper inserted into a hole in a supporting board of a holder.

Hill '793 teaches the use of a sucking disk (44A) having a stopper inserted into a hole in a supporting board of a holder.

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*Accordingly*, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the element (as in Figure 3) of Hart '847 with the sucking disk, as taught by Hill '793, for increased capabilities of the holder of holding different objects therein.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer E. Novosad  
Primary Examiner  
Art Unit 3634

January 11, 2006